

CITY COUNCIL MEETING

Tuesday, May 26, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, May 26, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Long, Grove, Patterson, Altringer Absent: Evans

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Long, Seconded by Altringer; the Agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

APPROVAL OF CONSENT AGENDA

Minutes from the May 12, 2009, Council Meeting, Change Order No. 2 for the East 1st Street Grading and PCC Paving and Traffic Signal Increasing \$6,205.00, Change Order No. 3 for the East 1st Street Grading and PCC Paving and Traffic Signal Increasing \$2,000.00, Change Order No. 5 for the East 1st Street Grading and PCC Paving and Traffic Signal Decreasing \$500.00, Change Order No. 6 for the East 1st Street Grading and PCC Paving and Traffic Signal Change of substantial and final completion dates, Change Order No. 7 for the East 1st Street Grading and PCC Paving and Traffic Signal Increasing \$1,210.00, Set Public Hearing on the proposed plans, specifications, and form of contract for the SE Capitol Circle PCC Paving – Grade - & Replace Project for June 9, 2009, Permit for Supervised Display of Fireworks for Grimes Funtastic Days Committee June 13, 2009 (weather permitting), Minimum Separation Agreement, Plat of Survey Parcels “L” and “M” in Sec. 29-80-25, Approve Delinquent Account Write-offs, WWTP Blower and Well Cleaning Quote, Agreement between the Grace West Church (Crossroads Community Church) and the City of Grimes for leasing of space in the GCC, Resolution No. 05-0209 Proposing to Sell Real Property and Scheduling a Public Hearing on Said Proposals Class C Liquor License and Sunday Sales for Stevie C’s 202-204 S. Main Street, Pay Request No. 8 for East 1st Street Paving Project to Concrete Technologies, Inc. \$126,413.41 Finance Report for April, Claims dated May 26, 2009 in the amount of \$338,753.15.

Moved by Long, Seconded by Patterson; the consent agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

FIRE CHIEF REPORT

Fire Chief Kroshe had nothing new to report

PEOPLESERVICE REPORT

Mark Devine of PeopleService was present to give an update. He advised that currently they have been working on a broken water hydrant at 610 Oakhurst. Devine stated that they are currently painting hydrants and checking them for a factory warranty defect. At this time 180 hydrants will be fixed at no charge to the City. Devine announced that a final walk though would be done shortly for Destination Drive and Jase Landing. Council Member Grove asked about the water tower painting project. City Administrator Brown advised that she had met with Fox Engineering regarding this project and the painting will be completed sometime in late fall when the water demand is less so the emptying of the tower for painting will be more manageable.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

A. Public Hearing for the Development Agreement and TIF rebate for the South 11th Signal Project.

Mayor Armstrong opened the Public Hearing at 5:35 p.m. Mayor Armstrong asked if anyone in the audience wished to address the Council regarding this agreement. Steve Niebuhr Vice President of Hubbell Realty addressed the Council and stated how important this project is to the Grimes Business Park. He stated that it would greatly enhance the access to this area and aid in the success of the project. Also present from Hubbell Realty was Joe Pietrusznski.

There being no written communication, Mayor Armstrong closed the Public Hearing at 5:40 p.m.

B. Resolution No. 05-0309 Approving Development Agreement and Tax Increment Payments

City Administrator Brown reported that this was a multi party agreement in that all parties will be financing the signal project upfront and the cost will be rebated through Tax Increment Financing. City Administrator Brown advised that items still remain to be worked out on the agreement and asked the Council to postpone action on Resolution No. 05-0309.

Moved by Grove, Seconded by Long; Resolution No. 05-0309 shall be postponed until the next Council meeting.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

C. Release of 308 S Main from Nuisance Abatement Order

Brenda O'Keefe of 903 S. James Street and Joyce Kern owner of the property at 308 S Main were present to address the Council regarding the nuisance abatement order. O'Keefe stated that the house at 308 S. Main Street has now had the repairs completed and met all code requirements by the City. Mayor Armstrong asked Kevin Kestel, Grimes Public Works Director if there were any concerns with the property. Kestel advised that the property had been brought up to code and met all City inspections. Mayor Armstrong asked City Attorney Fisk if the City needed to do anything further. Attorney Fisk stated that since no legal action was pending, just a formal action from the Council was all that was needed. Council Member Grove stated that at a previous meeting he understood that new dry wall was put up and would like this clarified. O'Keefe stated that the walls were patched and painted. Council Member Grove also asked if the carpet that was removed from the house had been disposed of from the property. O'Keefe stated that it had been removed from the property. Council Member Grove also asked for clarification as to whether the roof was repaired or replaced. O'Keefe stated that it was repaired, but replaced where it was needed. Mayor Armstrong said that he understood that the electrical had been brought up to code and O'Keefe stated this was correct.

Moved by Long, Seconded by Patterson; 308 S Main Street shall be released from the Nuisance Abatement order.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

D. Approve Walmart Preliminary Plat and Site Plan –

Rick Rohlffing of Buescher Frankenberg Associates of Washington, Missouri, Civil Engineer for this project, was present to address the Council regarding the approval of the preliminary plat and site plan for the new Walmart at E 1st Street and SE Destination Drive. Rohlffing stated that this preliminary plat and site plan were very similar to the first one that was approved. He stated that the building still faces E 1st Street and still has the same outlots as before. There is still the right- in right- out entrance, along with the detention ponds and the landscape island. Rohlffing

advised the Council of the following changes. The square footage is slightly less than the original plan. In the original plan the building was 176,000 square feet and the new plan is approximately 150,000 square feet. Rohlfing informed the Council that due to the decrease in square footage the parking lot will be slightly smaller, creating more green space. The original detention pond was on the east side of the building. When the building became smaller, the building was able to be shifted on the property to one side, causing the detention foot print to actually be larger and create another outlot. Rohlfing stated that the past stipulation regarding the Hwy 141 corridor that states that a dock can not face Hwy 141 without adequate screening is no longer applicable because this dock no longer faces Hwy 141. Rohlfing also advised that the original plan called for a drive through pharmacy but this has been removed from the plans. The building will still contain a pharmacy. A change was made to the original plans by adding a Garden Center to this building. One of the items that was addressed by City Engineer John Gade was the storm water. Rohlfing felt at this time, they met or exceeded those requests. Rohlfing stated that Walmart does intend to build in Grimes. Current plans are to put the building out to bid in August of 2009, begin construction in September of 2009 and have the building complete in August of 2010 with an opening in September of 2010. Ryan McKay of BRR Architecture out of Kansas City, Missouri, architect for the project, provided an overview of the exterior building for the Council. McKay stated that this will be the same design and store as the original, only a smaller foot print. He stated that Walmart had made some changes in the new store with a more efficient store layout.

The new store will have an open floor plan, reducing shelving heights thus allowing the customer to see from one end of the store to the other. McKay stated that the wall colors and floor palettes will all be a complete change for Walmart. The changes include the smaller size of the building, the use on the exterior of a precast aggregate that is scored for variation. This store will be more energy efficient than what was to be used in the initial plans. McKay continued with an overview of the building. City Engineer Gade advised that the preliminary plat had been reviewed by the Planning and Zoning Commission. The storm water plan for Lots 2-7 would be provided by Walmart, so they would not need additional storm water detention for their lots. The storm water release information has also been provided by Walmart on these lots. Gade went on to state that all lots are subject to the Hwy 141 Zone 1. With this stipulation, the front lots are subject to a 20% green space. Since they are using off sight detention, Walmart has additional green space. As part of this approval of the preliminary plat and site plan, Walmart is requesting to be allowed to only have 15% green space for each of the other lots. Gade also advised that the fencing at the garden center had changed from the original plans from wrought iron fencing to a black vinyl chain link fence. Gade stated that all his engineering comments have been met or will be met. Gade stated that the Planning and Zoning Committee did approve this preliminary plat and site plan with no additional stipulation other than the requests that were made by him in a letter dated May 15, 2009 to Walmart. The Council received a copy of this letter. Mayor Armstrong reviewed with Walmart representatives the new size of the building. It was noted that Walmart is changing the size of buildings that are now being built. Mayor Armstrong asked about the overall change in the height of the building from the original of 35 feet high to 25 ½ feet high. McKay stated that with the dock inventory is able to be moved in quicker. Check outs are more sophisticated allowing stores to know what merchandise is needed. Less stock is needed to be stored on sight as stores know immediately what stock is needed. Deliveries are able to be delivered the next day, creating more efficiency. Mayor Armstrong asked again about the drive up pharmacy being eliminated. McKay advised that the pharmacy would still be there but not the drive up.

Moved by Patterson, Seconded by Long; the Walmart Preliminary Plat and Site Plan shall be approved subject to the Fox Engineering letter dated May 15, 2009.

Roll call: Ayes: All Nays: None. Motion passes 4-0.

E. Approve Walmart Final Plat

Rick Rohlfing of Buescher Frankenberg Associates addressed the Council regarding the Final plat. He stated that again this would be a smaller building, less parking and more green space than the original plat. He stated that with the changes, the outlots were able to be deepened by about 26 feet which should make them more accommodating for users. Also Lot 7 was a detention area, but now would be an outlot. New easements would be granted for this layout and the change in green space would be to 15%. City Engineer Gade advised that some legal work still needed to be completed with some easements. Gade stated again that the outlots would be subject to the Zone 1 requirements of the Hwy 141 Corridor. Council Member Grove stated that he was happy that Walmart was here and still interested in building in the City of Grimes.

Moved by Grove, Seconded by Patterson; the Walmart Final Plat shall be approved subject to Fox Engineering letter dated May 15, 2009. Patterson also stated that he was happy that Walmart was going to build

Roll call: Ayes: All Nays: None. Motion passes 4-0.

F. Resolution No. 05-0209 Approving Final Plat and Accepting Dedication of Walmart's Second Addition to the City of Grimes, Polk County, Iowa and Vacating Easements for Public Utilities As Described in the Prior Plat of Walmart's First Addition to the City of Grimes, Polk County, Iowa

Moved by Grove, Seconded by Altringer; Resolution No. 05-0209 Approving Final Plat and Accepting dedication of Walmart's Second Addition to the City of Grimes, Polk County, Iowa and vacating easement for Public Utilities as described in the prior plat of Walmart's First Addition to the City of Grimes, Polk County, Iowa shall be approved.

Roll call: Ayes: All Nays: None. Motion passes 4-0.

G. David Rice Update on Eagle Scout Project at GCC Historical Room

David Rice of 900 S W Kenny brook Drive addressed the Council regarding his Eagle Scout Project at the Grimes Community Complex. Rice stated that this project was to update a room at the Grimes Community Complex and provide a room for the Grimes Heritage Group. Rice provided a power point presentation showing before and after pictures of the project. Rice stated that he had put in over 100 hours on this project and volunteers had provided another 400 hours. A June 11, 2009 Open House is planned at the Grimes Community Complex from 6-8:00 p.m. to show the completed project. Rice acknowledged those who had helped him with this project. The Council thanked Rice for all his work on this project and commended him for taking on such an aggressive project.

H. Approve Thompson Subdivision Preliminary Plat

Greg Rogers, Real Estate Manager for QuickTrip, was in attendance representing Gary Thompson Oil Company. Rogers stated that this was a 5 acre site at the SE corner of Hwy 141 and 54th Avenue. Currently Phillips 66 is located here. QuickTrip is going in to help Thompson Oil redevelop this area. The QuickTrip will be a 4600 square foot building with a 16 car service, 24 hour operation open 365 days a year. Rogers stated that the preliminary plat showed the QuickTrip building with the second lot as a proposal for what could be done with the area. City Engineer Gade stated that it was a two lot subdivision. Lot 1 would be a QuickTrip Station and Lot 2 could be sold and developed. Gade did advise the Council that Lot 2 is just a scheme and that when this lot is developed they would have to come back to Council for approval. Gade stated that the IDOT had purchased that right away along this area of Hwy 141 and 54th Avenue but were in the process of getting this QuickTrip. Gade stated that a storm water maintenance plan had been provided for both lots. Lot 1 which is being developed at this time will provide detention. When Lot 2 is sold detention will have to be provided as well. Gade stated that Lot 2

will be maintained as it is now, with the removals of any existing trailers. The rock on this lot will stay and be used as part of the development of the other lot. The lagoon in Lot 2 will remain but will need to be disposed of when Lot 2 is developed. Gade also stated that a right-of-way dedication plan is being met according to the City's Comprehensive Plan. Council Member Grove clarified that Gary Thompson is the developer and that he is keeping Lot 2 in his possession and leasing Lot 1 to QuickTrip. Council Member Grove asked Gade what kind of enforcement would be in place to cover Lot 2 for weeds, rocks and parking. Gade stated that those would all be covered in the Code of Ordinances and Municipal Infractions. Moved by Patterson, Seconded by Altringer; Thompson Subdivision Preliminary Plat shall be approved. Council Member Altringer readdressed the concerns of Council Member Grove. Gade stated again that this could be controlled by enforcement of the Code of Ordinances. Roll call: Ayes: All Nays: None. Motion passes 4-0.

I. Approve QuickTrip Site Plan

Greg Rogers, Real Estate Manager for QuickTrip, provided an overview of the store. He stated that it would be a 4600 square foot building with 16-car service and 8 pumps. He stated that a small change had been made to help with the flow of traffic through this area. Rogers stated that in reference to Planning and Zonings comments additional screening would be in place. Rogers stated that bids would go out in about 4 weeks with construction beginning in about 6-8 weeks. The store opening is planned for January of 2010. Rogers continued that the utility panels on the back of the building would be painted to match the store as requested by the engineer. Heating and cooling units would be placed on the top of the store. Trash enclosures will be brick. City Engineer Gade was asked for any additional comment. He stated that QuickTrip was going to place additional screening as asked for by Planning and Zoning. Gade also stated that the site would be irrigated and that storm water has been addressed for possible future expansion. Gade advised that a detail of the lighting had not been received. Council Member Grove asked about the turn off of 54th onto the frontage road and any possible traffic issues. Gade stated that had been reviewed and he felt there would not be issues. Signage was also reviewed in the area. Mayor Armstrong leaves meeting at 6:45 p.m. and Council Member Grove assumes his role as Mayor Pro-Tem.

Moved by Altringer, Seconded by Patterson; the QuickTrip Site Plan shall be approved subject to the letter from Fox Engineering dated May 15, 2009.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

J. Potential options for the financing of "Y" Avenue.

City Administrator Brown stated that in the Dallas County Record a few weeks ago there was an article discussing Dallas County consideration of financing "Y" Avenue. Brown stated that in the article a comment was made by the County Engineer George that in the past the City has annexed within a quarter of a mile of a roadway, not to the roadway, in an effort to not pay for roadway improvements. Brown stated that in the last 15 years the City has only done voluntary annexations with the exception of one involuntary annexation that was on the east side of Hwy 141. Brown pointed out the statement made by Dallas County regarding the City's intent to in to areas that aren't adjacent to roadways is unfounded. Brown stated that the City of Grimes does not work that way. The article also stated that if Dallas County does a roadway improvement and then the City annexes this area, the City benefits from the improvements without having had to pay for them. Brown stated with the City of Urbandale when an improvement was made, a 28E agreement was made and a depreciation schedule was worked out between the two Cities. Brown asked if the consensus of the Council would be to have the City write a letter regarding "Y" Avenue or County Line Road. This letter would ask Dallas County, that if the road is improved and the City wished to annex it within a certain time frame, a depreciation schedule would be worked out and payment would then be made by the City of Grimes to Dallas County

for the remaining value of the road improvements. Council Member Grove requested that with that letter he would like to see an explanation included that explains why the City of Grimes did not annex to this road initially. Brown stated that she would be happy to include that information. A consensus of the Council was made to have City Administrator Brown move forward with making this agreement.

K. Mayoral appointment of the Grimes Comprehensive Plan Steering Committee.

Council Member Grove listed the names to be appointed by the Mayor as the following: Brian Buethe, Mayor Armstrong, Primary Contact Kelley Brown, Council Representative, Craig Patterson, John Feltner, Aaron Chittenden, Kristen Haar, Mike Martin, Don Rice, and Gary Sinclair or a Dallas Center Grimes School Representative.

Moved by Grove, Seconded by Altringer; the names listed for the Mayoral appointment to the Grimes Comprehensive Planning Steering Committee shall be approved.

Roll call: Ayes: All Nays: None. Motion passes 4-0.

L. Park Fees

City Administrator Brown advised that the Council received a letter from Brett Barber, Parks and Recreation Director regarding an updated draft of rental rates for the different areas at the Grimes Community Complex. Council Member Patterson stated that the fees for the gym were working quite well but needed some direction for fees in other areas of the building. The Council discussed several options for the rate structure. Council Member Long stated that he felt that the fee for use of the kitchen area and cafeteria were too high and he would like to see these areas free to Grimes residents. Long suggested in order to control the time that it is reserved, to allow the first two hours free to Grimes residents and then a fee for anything over this time frame. Other options were considered as well. Council Member Altringer added that she understood the concerns being presented at the Council table but also knew that the Park and Recreation Advisory Board had discussed this in length and had taken this under careful consideration. That being said, she agreed that further review was in order. Council Member Grove clarified that the original tax dollars invested into this building were from the taxpayers of the entire DC-G School district thus there should be some discounting for the entire District and not just the tax payers of the City of Grimes.

Moved by Altringer, Seconded Patterson; the recommendation is that the rate for the use of the kitchen and cafeteria shall free for the first two hours and then \$25 per hour to any Grimes resident or to anyone in the Dallas Center Grimes School District, shall be made and referred back to the Grimes Park and Recreation Advisory Board for further consideration.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

E. PUBLIC FORUM

No one was present to address the Council.

COUNCIL DISCUSSIONS.

1. Mayor's Report

No report

2. City Attorney's Report

City Attorney Fisk had nothing new to report

3. City Engineer's Report

City Engineer Gade stated that the work is finishing up on 1st Street and Destination Drive. The South James Street Project three of the easements have been signed and three more easements need to be signed.

4. City Staff Report

City Administrator Kelley Brown had nothing new to report.

5. Old Business

Council Member Long reminded everyone that the new recycling bins would be picked up for the first time on July 6, 2009. Council Member Patterson thanked City staff for their help in getting the wireless Internet up at the Grimes Community Complex.

6. New Business

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, this meeting shall be adjourned at 7:06 p.m.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor